

**REMARKS**

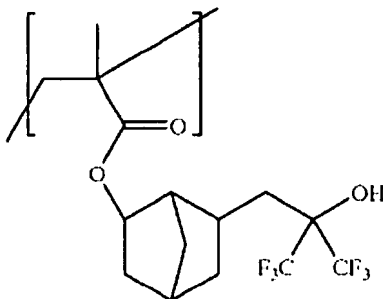
Claims 1, 2, 5, 6 and 8 have been amended. Claims 2, 5, 6 and 8 have been rewritten in independent form. Support for the amendment to Claim 1 can be found in the specification at least at page 12, lines 5-14. Claims 10-12 have been added. Support for the subject matter of Claim 10 can be found at least in original Claim 9. Support for the subject matter of Claim 11 can be found at least in original Claim 1. Support for the subject matter of Claim 12 can be found at least in the specification at page 12. After entry of the above amendments, Claims 1-12 are pending.

Applicants gratefully acknowledge the indication that Claims 2, 3 and 5-8 would be allowable if rewritten in independent form (page 3, numbered paragraph 4 of the Official Action). Claims 2, 5, 6 and 8 have been rewritten in independent form. Claims 3 and 7 depend from Claims 2 and 6, respectively. Accordingly, it is respectfully submitted that Claims 2, 3 and 5-8 are allowable.

Claims 1 and 4 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,784,312 to Miyazawa et al. (hereinafter referred to as "Miyazawa"). This rejection, which appears on page 2, numbered paragraph 2 of the Official Action, is respectfully traversed.

First, it should be noted that the present application is a national stage application of PCT/JP03/013560 which was filed on October 23, 2003. Accordingly, the filing date of the present application is the PCT filing date (i.e., October 23, 2003). Miyazawa issued on August 31, 2004. Accordingly, Miyazawa is not available as a reference under 35 U.S.C. §102(b).

In addition, the Official Action is relying upon the disclosure in Miyazawa of a homopolymer of the following formula (page 2, numbered paragraph 2 of the Official Action):



Claim 1, however, has been amended to recite that the resin *comprises from 5 to 90 mole percent of the recurring unit (I-1)*. In contrast, the Official Action is relying upon the disclosure in Miyazawa of a *homopolymer*. Accordingly, it is respectfully submitted that Claim 1 is patentable over Miyazawa. Claim 4 depends from Claim 1 and is therefore also patentable over Miyazawa for at least the reasons set forth above with respect to Claim 1.

In view of the above, it is respectfully submitted that Claims 1 and 4 are patentable over Miyazawa. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Claims 1, 4 and 9 have been rejected under 35 U.S.C. §102(e) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0005512 A1 to Mizutani et al. (hereinafter referred to as "Mizutani"). This rejection, which appears on pages 2-3, numbered paragraph 3 of the Official Action, is respectfully traversed.

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Mizutani has a filing date of May 30, 2003. Accordingly, Mizutani is available as a reference under 35 U.S.C. §102(e) as of May 30, 2003. The present application, however, claims priority to Japanese Patent Application No. 2002-315021 which was filed on October 29, 2002. Submitted herewith is a certified English language translation of the JP 2002-315021 priority document. As set forth in the MPEP, a rejection based on 35 U.S.C. §102(e) can be overcome by perfecting a claim to priority under 35 U.S.C. 119(a)-(d) (i.e., by filing a certified priority document in the application and an English language translation if the document is not in English) {MPEP § 706.02(b)}. The certified copy of the JP 2002-315021 priority document has already been submitted on April 29, 2005. Since the certified English translation of the priority document is being submitted herewith, the priority claim to JP 2002-315021 has been perfected. In addition, since the JP 2002-315021 priority document was filed before the filing date of Mizutani, it is respectfully submitted that Mizutani is not available as a reference under 35 U.S.C. §102(e). Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Claims 10-12 have been added. Claim 10 is directed to the subject matter of original Claim 9 which was rejected only over Mizutani. As set forth above, however, Mizutani is not available as a reference under 35 U.S.C. §102(e). Accordingly, it is respectfully submitted that Claim 10 is patentable. Claim 11 is directed to the subject matter of original Claim 1 wherein n is 1 or 2. Although Claim 1 was rejected over Miyazawa, the Official Action relies upon the disclosure in Miyazawa of a homopolymer having a formula corresponding to that of formula (I-1) only when n is 0. Accordingly, it is respectfully submitted that Claim 11 is patentable. Claim 12 depends from Claim 11

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and is therefore patentable for at least the reasons set forth above with respect to Claim

11. Claim 12 can also be further distinguished from the cited references. Moreover,

Claim 12 recites that  $n$  is 1,  $l$  is 1, each  $X_1$  is H and each  $X_2$  is  $CF_3$ . The Official Action

has pointed to no disclosure in any of the cited references which would teach or

reasonably suggest the subject matter of Claim 12.

### CONCLUSION

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.

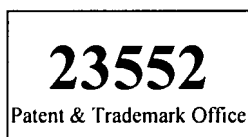


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